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ABSTRACT

Requirements for individualized plans of instruction for special education students are discussed separately and a description of a combined plan is offered. The individualized education program (IEP) is reviewed in terms of identification and referral, development of the assessment plan, assessment, development and implementation of the IEP, IEP content, and due process provisions. Similarly, minimum content requirements of the individual learning plan (ILP), required for limited English proficient (LEP) students in California, are reviewed. Approaches for merging the IEP and ILP process/content for handicapped LEP students include identification assessment in English but the diagnostic assessment in the primary language, designation of the pupil's strongest language for basic skills/subject matter instruction, and sufficient bilingual teachers and aides. (CL)

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DEVELOPING A BILINGUAL INDIVIDUAL EDUCATION PLAN FOR LANGUAGE MINORITY STUDENTS

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Introduction

The separate laws for special education and bilingual education students each specify that individualized plans for instruction must be developed. The concerns of both plans are to match the assessed needs of the student. The instructional plans are described for each kind of student separately and then a description is offered about what a combined plan must contain for the bilingual exceptional child.

I. What is the IEP in terms of when it is required and what it must contain?

Definition: An Individualized Educational Plan (IEP) must be written for any individual who has special education needs (SB 1870 Sect. 56001),

A. Identification and referral: "A student is referred for special educational instruction and services only after the resources of the regular program have been considered and, where appropriate, utilized" (Sect. 56303).

In the case of a LEP or NEP student, it is especially important to gather complete information from school records and parent interviews. The lack of progress in acquiring English may be attributed to a relatively short stay in the country or an irregular school attendance. Section 56026 specifies that

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"pupils whose educational needs are due primarily to unfamiliarity with the English language, temporary physical disabilities, social maladjustment or environmental, cultural or economic factors are not individuals with exceptional needs."

B. Development of the Assessment Plan: Once a student is referred, the school staff has 15 calendar days to develop an assessment plan. "The assessments to be completed must be described in a language easily understood by the general public." It must be provided in the primary language of the parent or other mode of communication used by the parent, unless to do so is clearly not feasible (Sect. 56321). The parent must be involved in the process and must give written consent prior to the initiation of testing. At the same time, that parent's rights and due process procedures are explained, a copy of the notice of their rights must be provided.

C. Assessment: The school staff has 50 calendar days to complete the assessments and develop the IEP from the date of the signed assessment plan. "The materials for assessment and placement of an individual shall be selected and administered so as not to be racially, culturally or sexually discriminatory. No single assessment instrument shall be the sole criterion for determining placement of a pupil" (Part of Sect. 56001).

D. Development and Implementation of the IEP: When the assessments are completed, a meeting is scheduled to discuss the results of the assessments and to write the IEP. The personnel involved (IEP team) should include but is not limited to (Sect. 56341):

1. An administrator, program specialist or other specialist who is knowledgeable of program options appropriate for the pupil.
2. The pupil's teacher, or if the pupil does not have a teacher, a regular classroom teacher referring the pupil, or a special education teacher qualified to teach a pupil of his or her age.

3. One or both of the pupil's parents, a representative selected by the parent, or both.

The team may also include the individual with exceptional needs, and other individuals at the discretion of the parent, district, special education services region, or county office.

E. Content of IEP: The IEP should include the following information (Sect. 56345):

1. Present levels of performance.
2. Annual goals, including short-term objectives.
3. Specific special education instruction and services.
4. The extent to which the pupil will participate in the regular program.
5. The projected date of initiation and duration of the program.
6. Criteria for evaluating progress on short-term objectives.

F. Support IEP Provisions: When appropriate, the IEP may include the following information:

1. For secondary grade level pupils: specially designed vocational education and career development.
2. Alternative means and modes to meet or exceed the proficiency standards for graduation.
3. For individuals whose primary language is other than English, linguistically appropriate goals, objectives, programs, and services.
4. Provision for transition into the regular program.
5. Extended school year services when needed.

G. IEP Due Process: The IEP should be reviewed at least on an annual basis. A complete assessment must be conducted every three years (Sect. 56380-56381). In addition, the following provisions should be made:

1. The parent has to be notified of every step in this process. He/she may withdraw the pupil from participation in the program upon written notification to an administrator (Sect. 56346).

2. The parent, as well as the public education agency, has the right to due process. The due process hearing procedures include a mediation conference, the right to examine the pupil's records, and the right to a fair and impartial administrative hearing at the state level. Specific procedures must be followed.

3. If an agreement is not reached in the mediation conference, a fair hearing may take place. The results of this fair hearing will be the final administrative determination that is binding on all parties (Sect. 56501 to 56505).

II. What is the ILP and what are the minimum content requirements?

An Individual Learning Plan (ILP) is required under AB 507 (1980) for all pupils enrolled in California schools (K-12, including special education students) who are identified as limited English proficient (LEP) and who are not participating in a full bilingual program as defined in AB 507 (options a, b, c, or d).

The development of an ILP begins with an initial identification assessment which includes a Home Language Survey and English language proficiency tests for understanding, speaking, reading, and writing. Students identified as LEP in this process must be diagnosed in their ability to understand, speak, read, and write in their primary language. A determination is made for each pupil as to which is the stronger of the two languages. The language in which the pupil is most proficient is designated as the language for "basic skills" instruction (language arts, including but not limited to reading, writing, and math).

The ILP must include activities for English-as-a-second language instruction, for basic skills/academic subjects delivered in the primary language and English as indicated by the diagnostic assessment, and for promoting a positive self-image and crosscultural understanding. Sufficient bilingual teachers and aides are also required to provide primary language instruction as appropriate.

The actual ILP format should include diagnostic and placement information, ESL and basic skills or subject areas to be addressed, objectives by language and subject area, how the language(s) will be used for instruction, staff and materials resources by language, schedule (frequency and duration) of services by language, and methods or techniques employed which are appropriate for non-native speakers of English.

Parents need not give their consent for their child to be placed on an ILP, but parents and pupils must be consulted in the development of the ILP. This consultation must be documented. Parents do have the option of withdrawing their child from an ILP. Such withdrawal must be done in writing. In case of withdrawal from the state-authorized ILP, federal authority requires districts to provide a comprehensible education to students which may still include ESL and instruction in the primary language to sustain academic achievement.

Pupils on an ILP must continue to receive primary language instruction to sustain normal academic achievement until they are reclassified as fluent English proficient (FEP). Minimum criteria, standards, and procedures, as prescribed in Education Code 52164.6 and in advisory communications from the Department of Education, must be met by an LEP pupil to be reclassified as FEP. Reclassification applies to mainstream as well as special education pupils, and to pupils enrolled in or withdrawn from full bilingual programs or ILP's.

III. How should districts merge the IEP and the ILP process/content for handicapped LEP pupils?

It appears that with little or no modification, the IEP for an LEP child, if properly developed, can serve as an ILP as well. For this to be possible, however, the IEP must include:

1. The identification assessment in English.

2. The diagnostic assessment in the primary language.

3. A designation of the pupil's strongest language for basic skills/ subject matter instruction.

4. English language development, content instruction in the primary language to sustain academic achievement, and activities to promote a positive self-image and crosscultural understanding.

5. Sufficient bilingual teachers and aides.

6. Parental option to withdraw the pupil upon written request.

7. Provision for reclassification to FEP status and English-only instruction, if and when it is appropriate.

All other ILP requirements appear to be clearly covered in the already comprehensive IEP process, content, and format.